UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,900	01/22/2004	James Edward Christensen	YOR920040019US1	1899

7590 11/01/2006

FREDERICK W. GIBB, III
MCGINN & GIBB, PLLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401

EXAMINER	
MAIS, MARK A	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,900	CHRISTENSEN ET AL.	
	Examiner	Art Unit	
	Mark A. Mais	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-13,15-18,20,21,23-26 and 28-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-13, 15-18, 20-21, 23-26, 28-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 5, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-13, 15-18, 20, 21, and 23-26, and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kung et al. (USP 6,373,817).

4. With regard to claim 1, Kung et al. discloses a method for routing a communication connection request comprising the steps of:

in response to a communication connection request, obtaining context information for a communication connection requestor **[the requestor's subscriber profile information is retrieved from a SIM module, col. 34, lines 27-28]**;

using said context information for said communication connection requestor **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** and context information for a called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** to determine a communication connection action, wherein said context information for said called party comprises

a called party *connectivity* **[available for a voice call or data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]**, *and wherein said communication connection action comprises a decision as to who should be called and to whom said communication connection requestor should be telephonically connected*; and connecting said communication connection requestor based on said connection action **[calling party preferences can be prioritized to allow (connection action) high preference level 1 calls such as MOM, but not lower preference level calls such as from a FRIEND, col. 35, lines 33-43; also, DAUGHTER in Europe may be allowed to barge in on calls any time of the day while the BOSS may only be allowed to barge in from 8 AM to 8 PM, col. 36, lines 1-4]**.

5. With regard to claim 12, Kung et al. discloses a method for providing a communication connection for a user comprising the steps of:

obtaining context information for said user **[the requestor's subscriber profile information is retrieved from a SIM module, col. 34, lines 27-28]**;

using said context information for said user **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** and context information for a called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** to determine a communication connection action, wherein said context information for said called party comprises

a called party *connectivity* **[available for a voice call or data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]** *and*

a called party connection status **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65]**; and

connecting said user based upon said connection action *wherein at least one of an identification of said called party* **[calling party preferences can be prioritized to allow (connection action) high preference level 1 calls such as MOM, but not lower preference level calls such as from a FRIEND, col. 35, lines 33-43; also, DAUGHTER in Europe may be allowed to barge in on calls any time of the day while the BOSS may only be allowed to barge in from 8 AM to 8 PM, col. 36, lines 1-4]** *and*

contact information for said called party **[chase me information is announced only to the called party, col. 35, lines 61-65]**

is unknown to said user **[for example, BOSS may be allowed to follow/chase the called party at a certain time of day such that the forwarded call's contact information (i.e., the Biltmore Hotel (col. 35, lines 1-3) is unknown to the caller (BOSS)]**.

6. With regard to claims 17, Kung et al. discloses a method of routing a caller's call comprising the steps of:

obtaining context information for said caller **[the requestor's subscriber profile information is retrieved from a SIM module, col. 34, lines 27-28]**;

using said context information for said caller **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** and context information for said called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** comprises a called party calendar to determine a communication connection action **[the called party calendar is interpreted as time of day or days of week, col. 34, lines 34-36; *see also* calendar of events, col. 36, lines 52-55]**, wherein said context information for said called party comprises

a called party *connectivity* **[available for a voice call/data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]**,

a called party connection status **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65]**, *and*

at least one of corporate and personal data of said called party from at least one of

sensors that detect at least of motion, sound, light, and pressure deployed in spaces frequented by said called party,

radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and at least one of

a location **[location such as Biltmore hotel from 12 PM to 10 PM, col. 35, lines 1-3]**,

activity **[Asleep at home, col. 37, lines 8-9]**, *and*

network address **[home telephone number, col. 37, line 5]** *of at least one personal device of said called party, comprising at least one of*

a cellular telephone,

an office telephone,

a home telephone **[home telephone number, col. 37, line 5]**,

a laptop computer,

a desktop computer, and

an automobile; and

connecting said caller based upon said connection action **[father is alerted as to daughter's call and is awoken to take the call, col. 37, lines 11-16]**.

7. With regard to claim 28, Kung et al. discloses a service for determining a communication connection for a caller comprising the method steps of:

obtaining context information for said caller **[the requestor's subscriber profile information is retrieved from a SIM module, col. 34, lines 27-28]**;

using said context information for said caller **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** and context information for said called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** to determine a

communication connection action, wherein said context information for said called party comprises a called party *connectivity* **[available for a voice call/data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]**,

a called party connection status **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65]**, *and*

at least one of corporate and personal data of said called party from at least one of

sensors that detect at least of motion, sound, light, and pressure deployed in spaces frequented by said called party,

radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and at least one of

a location **[location such as Biltmore hotel from 12 PM to 10 PM, col. 35, lines 1-3]**,

activity **[Asleep at home, col. 37, lines 8-9]**, *and*

network address **[home telephone number, col. 37, line 5]** *of at least one personal device of said called party, comprising at least one of*

a cellular telephone,

an office telephone,

a home telephone **[home telephone number, col. 37, line 5]**,

a laptop computer,

a desktop computer, and

an automobile; and

connecting said caller based upon said connection action **[father is alerted as to daughter's call and is awoken to take the call, col. 37, lines 11-16]**.

8. With regard to claim 29, Kung et al. discloses an apparatus for use in a computer services environment said apparatus comprising:

at least one processor operative to route a caller's call based upon context information for said caller **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** and context information for a called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]**, wherein said context information for said called party comprises

a called party *connectivity* **[available for a voice call/data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]**,

a called party connection status **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65]**, *and*

at least one of corporate and personal data of said called party from at least one of

sensors that detect at least of motion, sound, light, and pressure deployed in spaces frequented by said called party,

radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and

at least one of

a location **[location such as Biltmore hotel from 12 PM to 10 PM, col. 35, lines 1-3]**,

activity **[Asleep at home, col. 37, lines 8-9]**, *and*

network address **[home telephone number, col. 37, line 5]** *of at least one personal device of said called party, comprising at least one of*

a cellular telephone,

an office telephone,

a home telephone **[home telephone number, col. 37, line 5]**,

a laptop computer,

a desktop computer, and

an automobile; and

using said context information for said caller and said context information for a called party to determine a communication connection action **[calling party preferences can be prioritized to allow (connection action) high preference level 1 calls such as MOM, but not lower preference level calls such as from a FRIEND, col. 35, lines 33-43; also, DAUGHTER in Europe may be allowed to barge in on calls any time of the day while the BOSS may only be allowed to barge in from 8 AM to 8 PM, col. 36, lines 1-4]** for connecting said caller **[father is alerted as to daughter's call and is awoken to take the call, col. 37, lines 11-16]**.

9. With regard to claim 36, Kung discloses a *method for routing a communication connection request comprising the steps of:*

receiving a communication connection request from a caller **[calling party preferences can be prioritized to allow (connection action) high preference level 1 calls such as MOM, but not lower preference level calls such as from a FRIEND, col. 35, lines 33-43; also, DAUGHTER in Europe may be allowed to barge in on calls any time of the day while the BOSS may only be allowed to barge in from 8 AM to 8 PM, col. 36, lines 1-4].***;*

selecting a called party without additional input from said caller, wherein said selecting of said called party is based on at least one of

context information of said caller **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14]** *and*

context information of said called party **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** *and*

contact information for said called party is unknown to said caller **[for example, BOSS may be allowed to follow/chase the called party at a certain time of day such that the forwarded call's contact information (i.e., the Biltmore Hotel (col. 35, lines 1-3) is unknown to the caller (BOSS)]***; and*

establishing a communication connection between said communication connection requestor and said called party **[connecting BOSS to caller at the Biltmore Hotel]**.

10. With regard to claims 2, 4, 13, 15, 18 and 20, Kung discloses that determining a confidence factor for said connection action; and performing said connection in response to exceeding a confidence factor threshold **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65 (further interpreted as a confidence threshold); anyone above a predetermined priority level (exceeding the threshold) will be allowed to follow/chase the called party, *see Id.*]**.

11. With regard to claims 5, 16, 21, and 30, Kung et al. discloses that determining a connection action is done with rules engine **[chase me system (interpreted as a rules engine) is disclosed in Figs. 7-11 which determines connection actions based on call setup screens, call progress screens, and alternative routing screens, col. 34, lines 11-19]**.

12. With regard to claims 6, 7, 8, and 9, Kung et al. discloses providing an indication of an associated action **[SIM personal profile data is updated on the screen portions in Figs 7-11, col. 34, lines 25-31; entering passwords, col. 36, lines 47-49]**, data transmission **[message is "dictated" into text and transmitted, col. 38, lines 24-32]**, notification **[voicemail "icon" notification, col. 22, lines 58-60]**, and workflow initiation **[a message which is delivered on Christmas Day, col. 35, lines 6-18]**.

13. With regard to claim 10, Kung et al. discloses that providing an indication of an associated action further includes the step of having a logging action **[entering a password or identifying themselves for validation as a subscriber (interpreted as logging in), col. 36, lines 47-49]**.

14. With regard to claim 11, Kung et al. discloses that providing an indication of an associated action further includes the step of directing said associated action to at least one additional connection **[connecting to the gateway in order to change the terminal configuration data for a terminal associated with the gateway, col. 36, lines 56-57]**.

15. With regard to claims 23 and 31, Kung et al. discloses using a caller's calendar to assist in determining the communication connection action **[the called party calendar is interpreted as time of day or days of week, col. 34, lines 34-36; *see also* calendar of events, col. 36, lines 52-55]**.

16. With regard to claim 24, Kung et al. discloses authenticating the caller before determining said communication connection action **[caller's SIM card contains personal profile information such as identity, default QOS, and call setup data, col. 12, lines 10-14; *see also* entering a password or identifying themselves for validation as a subscriber (interpreted as authentication), col. 36, lines 47-49]]**.

17. With regard to claim 25, Kung et al. discloses requiring a single action by a caller for determining the communication connection action **[the BOSS making a call to the caller at his office between 8 AM and 8 PM, col. 36, lines 3-4; the BOSS having a high priority level of 1, col. 35, lines 42-43]**.

18. With regard to claim 26, Kung et al. discloses the step of using biometrics to authenticate the caller **[subscriber is located (and authenticated) using voice recognition, col. 37, lines 51-52]**.

19. With regard to claims 32 and 33, Kung et al. discloses using said context information for said called party to assist in determining said communication connection action comprises:

using said context information for said called party comprising

at least one of

a called party location **[at the office; asleep at home, col. 37, lines 8-9; at the swimming pool, col. 37, lines 49-50]**;

called party policy **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]** ;

called party availability **[available at the Biltmore hotel between 12 PM to 10 PM, col. 35, lines 1-3; not available because he's asleep at home, col. 37, lines 8-9]**;

called party connectivity **[available for a voice call/data message at home, work, mobile phone, pager, personal computer, etc. col.34, lines 36-50]**;

called party connection status **[Priority levels 1 through 5 dictate what the connection status of the called party is, col. 35, lines 44-65]**; and

at least one of corporate and personal data of said called party from at least one of

sensors that detect motion, sound, light, and pressure deployed in spaces frequented by said called party,

radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and

at least one of

a location **[location such as Biltmore hotel from 12 PM to 10 PM, col. 35, lines 1-3]**,

activity **[Asleep at home, col. 37, lines 8-9]**, *and*

network address **[home telephone number, col. 37, line 5]** *of at least one personal device of said called party, comprising at least one of*

a cellular telephone,

an office telephone,

a home telephone **[home telephone number, col. 37, line 5]**,

a laptop computer,

a desktop computer, and

an automobile;.

20. With regard to claims 34 and 35 Kung et al. discloses using said context information for said called party to assist in determining said communication connection action comprises:

using said context information for said called party comprising

at least one of

a called party location **[at the office; asleep at home, col. 37, lines 8-9; at the swimming pool, col. 37, lines 49-50]**;

called party policy **[calling (requesting) party's preferences for a called party, col. 35, line 28-33]**; and

called party availability **[available at the Biltmore hotel between 12 PM to 10 PM, col. 35, lines 1-3; not available because he's asleep at home, col. 37, lines 8-9]**.

Response to Arguments

21. Applicant's arguments with respect to claims 1,2, 4-13, 15-18, 20, 21, 23-26, and 28-36 have been considered but are moot in view of the new grounds of rejection.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Creamer et al. (USP 6,731,732), Method and Apparatus for calendar based call control.

(b) McAlinden (USP 6,751,307), Delivering calls using calendar information.

(c) Gray et al. (USP 7,058,167), Automatic location-aware feature selection.

(d) Brown et al. (USP 7,072,457), Transferring a call to a backup according to call context.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM
October 20, 2006

Seema S. Rao 10/30/06
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600